

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**Case No. 3:12-CR-00235-MOC-DCK**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	
	)	<b>SCHEDULING ORDER</b>
<b>PHILLIP D. MURPHY,</b>	)	<b>and ORDER OF PEREMPTORY</b>
	)	<b>SETTING</b>
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the court on defendant's Consent Motion for Entry of a Scheduling Order. The Court hereby sets the following deadlines:

Deadline	Action
3/22/13	Filing of Defense discovery and particulars motions
4/19/13	Filing of Government's opposition to Defense discovery and particulars motions
4/30/13	Filing of Defense Reply to Government's opposition to discovery and particulars motions
5/24/13	Filing of Defense motions to dismiss indictment or any count thereof
7/3/13	Filing of Government's opposition to Defense motions to dismiss
7/26/13	Filing of Defense reply to Government's opposition to motions to dismiss
9/27/13	Government provides Defense with preliminary list of case-in-chief exhibits

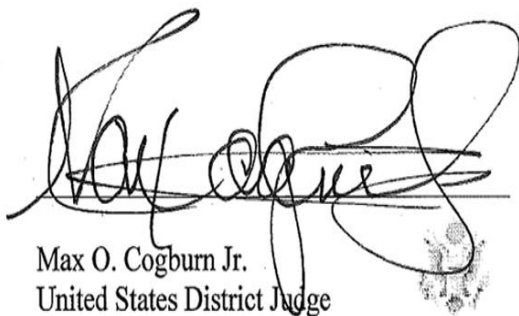
	and preliminary witness list, including expert witnesses. To the extent possible, the Government will identify the transactions to which the exhibits relate
11/1/13	Filing by both parties of remaining pretrial motions, including motions to suppress, motions <i>in limine</i> , and any remaining discovery or substantive motions
11/22/13	Filing by both parties of responses to motions filed by 11/1/13
12/6/13	Filing by both parties of replies to motions filed by 11/1/13
1/3/14	Government provides Defense with final witness list, final case-in-chief exhibits, remaining Jencks and remaining <u>Giglio</u> material. The Government may revise its final list of case-in-chief exhibits and final witness list only if it develops new evidence via a previously unavailable source
1/13/14	Both parties submit to Court, proposed preliminary requests to charge, proposed <i>voir dire</i> questions, proposed verdict sheets and pretrial memoranda. Defendants provide Government with any reciprocal discovery required under Rule 16(b)(1), including disclosure of expert witnesses
2/3/14	Trial commences

**IT IS FURTHER ORDERED** that this matter is peremptorily set for trial commencing February 3, 2014.

**IT IS FURTHER ORDERED** that this matter is continued from the March 2013 trial term to the above peremptory setting commencing February 3, 2014. The Court finds that the delay caused by such continuance shall be excluded in accordance with 18 U.S.C. § 3161(h)(7)(B)(iv),

as failure to grant such a continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds that the ends of justice served by granting such continuance outweigh the best interests of the public and the Defendant in a speedy trial, and therefore excludes the time from the date of this Order until February 3, 2014, from the Defendant's speedy trial calculation. Specifically, the court has carefully considered the volume of discovery produced in this matter and determined that due to the complexity of the case and the amount of time that counsel for defendant needs to adequately prepare for trial, the best interest of the defendant and the ends of justice are served by continuing this matter until February 3, 2014. The Court finds that the delay caused by such continuance shall be excluded in accordance with 18 U.S.C. § 3161(h)(7)(B)(iv), as failure to grant such a continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The time between entry of this Order and trial on February 3, 2014, is excluded.

IT IS SO ORDERED.



Max O. Cogburn Jr.  
United States District Judge